

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

Case No. 05-4168

---

IN RE: DEBRA A. LAHER; TIMOTHY M. LAHER, Debtors

GARY V. SKIBA

v.

TIMOTHY M. LAHER;  
DEBRA A. LAHER;  
TIAA-CREFF

Timothy M. Laher;  
Debra A. Laher,  
Appellants

---

On Appeal from the United States District Court  
for the Western District of Pennsylvania  
(D.C. Civil No.05-cv-00151)  
District Judge: Honorable Sean J. McLaughlin

---

Submitted Under Third Circuit LAR 34.1(a)  
on March 28, 2007

Before: RENDELL, BARRY, and CHAGARES, Circuit Judges.

---

JUDGMENT

---

This cause came on to be heard on the record from the United States District Court for the Western District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a) on March 28, 2007. On consideration whereof, it is now here

ORDERED and ADJUDGED by this Court that the Order of the District Court entered on August 5, 2005, be and the same is hereby REVERSED, and the case is remanded to the Bankruptcy Court for entry of an order excluding the annuity from the bankruptcy estate and for proceedings consistent with this opinion. Costs taxed against Appellee.

ATTEST:

/s/ Marcia M. Waldron  
Clerk

Dated: August 2, 2007